

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ROMEO RAMIREZ,

Plaintiff,

v.

LHOIST NORTH AMERICA OF TEXAS,

LLC,

Defendant.

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CIVIL ACTION NO. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant Lhoist North America of Texas, LLC (“Defendant”) files this Notice of Removal, and shows as follows:

INTRODUCTION

1. On or about July 21, 2021, Plaintiff Romeo Ramirez (“Ramirez”) filed this action in the 57th Judicial District Court of Bexar County, Texas entitled *Romeo Ramirez v. Lhoist North America of Texas, LLC*, Cause No. 2021CI14600 (“State Court Action”). Defendant was served with the citation and Plaintiff’s Original Petition, Jury Demand, and Request for Disclosure (“Petition”) on or about October 4, 2021.

2. There are no other defendants named in the Petition other than Defendant. Defendant has timely filed this Notice of Removal within the 30-day time period required by 28 U.S.C. § 1446(b).

3. Ramirez filed this employment action alleging violations of 42 U.S.C. § 1981 (“Section 1981”). (See Petition at ¶¶ 7-8).

BASIS FOR REMOVAL

4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §1441. According to the Petition, Ramirez alleges that he was discriminated against and retaliated against in violation of Section 1981. (See Petition at ¶¶ 7-8). Under Section 1981, the Court has original federal question subject matter jurisdiction of this action without regard to the amount in controversy. In addition, this action arises under the laws of the United States, specifically Section 1981; therefore, this Court has subject matter jurisdiction under 28 U.S.C. § 1331. Accordingly, this action may be removed to this Court, as provided by 28 U.S.C. § 1441(a) and (b).

PROCEDURAL STATEMENTS

5. Venue in this Court is appropriate under 28 U.S.C. § 1441(a), because this district and division embrace the place in which the State Court Action has been pending.

6. An index of all documents filed in the State Court Action, and the date of filing, is attached hereto as Exhibit A.

7. All pleadings, process, orders, and other filings in the State Court Action, including the docket, are attached to this Notice of Removal as required by 28 U.S.C. § 1446(a). See Exhibits A-1 to A-4.

8. A true and correct copy of this Notice of Removal will be promptly filed with the Clerk of the District Court of Bexar County, Texas as required by 28 U.S.C. §1446(d).

9. Written notice of the filing of this Notice of Removal has been or will be given to Ramirez as required by law.

10. A completed Federal Civil Cover Sheet and the removal fee of \$402.00 accompany this Notice of Removal.

WAIVER

11. By filing this Notice of Removal, Defendant does not waive its right either to answer the Petition and/or assert any claims, defenses or other motions, including, but not limited to, Rule 12 motions permitted by the Federal Rules of Civil Procedure.

CONCLUSION

12. For the foregoing reasons, Defendant respectfully requests that further proceedings in the State Court Action be discontinued, and that this suit be removed to the United States District Court for the Western District of Texas, San Antonio Division.

Respectfully submitted,

By: /s/ Talley R. Parker

Talley R. Parker
State Bar No. 24065872
talley.parker@jacksonlewis.com
Ethan J. Davis
State Bar. No. 24107748
ethan.davis@jacksonlewis.com
JACKSON LEWIS P.C.
500 N. Akard, Suite 2500
Dallas, Texas 75201
PH: (214) 520-2400
FX: (214) 520-2008

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading was served upon Plaintiff's counsel in this above cause in accordance with the Texas Rules of Civil Procedure on this 27th day of October, 2021.

/s/ Talley R. Parker

Talley R. Parker